

REMARKS

This responds to the Advisory Action dated 8 December 2006 and the Final Office Action dated on 11 September 2006.

Claim 1 and withdrawn claims 5, 9, 13, 17, 18, 23, 25, 26, 29, 30, 35, and 36 are amended, no claims are canceled, and no claims are added; as a result, claims 1- 40 are now pending in this application with claims 1-4 currently pending examination. The amendments to the claims are fully supported by the specification as originally filed. No new matter is introduced. Applicant respectfully requests reconsideration of the above-identified application in view of the amendments above and the remarks that follow.

Claim 1 and withdrawn claims 5, 9, 13, 17, 25, 29, and 35 are amended to further clarify these claims. Support for amendments to claim 1 and withdrawn claims 5, 9, 13, 17, 25, 29, and 35 may be found in the specification, for example, at page 13, line 29 – page 14, line 1. Withdrawn claims 18, 23, 26, 30, and 36 are amended to clarify the language of these claims. No new matter is introduced. Applicant submits that the claims of the instant application are in condition for allowance.

First §103 Rejection of the Claims

Claims 1-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over VanDover (U.S. Patent No. 6,093,944) in view of Scobey et al. (U.S. Patent No. 6,115,401). Applicant traverses these grounds of rejection of these claims for at least the reasons made of record.

Applicant does not agree with one or more comments in the Response to Arguments section of the instant Office Action. However, Applicant has limited the discussion of the traversal of the Office Action rejections to such discussion as is necessary to efficiently expedite the prosecution of the abovementioned application.

In the Office Action, it is stated that “[s]ince oxygen is a constituent of TiO_x, it is inherent that an oxygen content is supplemented during the formation process of the TiO_x layer doped with the lanthanide.” Applicant traverses the application of inherency, as proffered in the Office Action, with respect to the instant claims. Applicant submits that oxygen supplied to form TiO_x is not the same as oxygen supplemented to a layer of TiO_x.

However, to advance prosecution of the instant application, Applicant amends claim 1 to further clarify claim 1. Applicant notes that the verb “supplement” means “to add or serve as a supplement to,” as stated, for example, in *Merriam-Webster’s Collegiate Dictionary, tenth edition*. Applicant amends claim 1 to further clarify that the structure of claim 1 has oxygen additionally provided to the lanthanide doped TiO_x layer. Applicant cannot find in the combination of VanDover in view of Scobey et al. (hereafter Scobey) a teaching or suggestion of an electronic device with a dielectric layer containing a TiO_x layer doped with a lanthanide, where the TiO_x layer doped with the lanthanide contains oxygen in addition to oxygen in TiO_x, as recited in claim 1. As a result, Applicant submits that VanDover in view of Scobey does not teach or suggest all the elements of claim 1 and that claim 1 is patentable over VanDover in view of Scobey. Claims 2 and 3 depend on claim 1. Therefore, Applicant submits that claims 2 and 3 are patentable over VanDover in view of Scobey for at least the reasons discussed herein with respect to claim 1.

Applicant respectfully requests withdrawal of these rejections of claims 1-3, and reconsideration and allowance of these claims.

Second §103 Rejection of the Claims

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over VanDover (U.S. Patent No. 6,093,944) in view of Scobey et al. (U.S. Patent No. 6,115,401) as applied to claim 1 above, and further in view of Gardner et al. (U.S. Patent No. 6,225,168). Applicant traverses these grounds of rejection of this claim for at least the reasons made of record.

Applicant cannot find in VanDover in view of Scobey and further in view of Gardner et al. (hereafter Gardner), as proffered in the Office Action, a teaching or suggestion of an electronic device with a dielectric layer containing a TiO_x layer doped with a lanthanide, where the TiO_x layer doped with the lanthanide contains oxygen in addition to oxygen in TiO_x, as recited in claim 1. Applicant submits that Gardner does not cure the deficiencies of applying VanDover in view of Scobey to claim 1 as discussed above. Therefore, Applicant submits that claim 1 is patentable over VanDover in view of Scobey and further in view of Gardner for at least the reasons discussed above. Claim 4 depends on claim 1 and is patentable over VanDover in view of Scobey and further in view of Gardner for at least the reasons discussed above.

Applicant respectfully requests withdrawal of these rejections of claim 4, and reconsideration and allowance of this claim.

Withdrawn Claims

In the Restriction Requirement for the instant application mailed 21 March 2005, claim 1 was noted as being generic to the original claims. The withdrawn independent claims 5, 9, 13, 17, 25, 29, and 35 are maintained in line with the amendments to claim 1. With the allowance of claim 1, Applicant respectfully requests the rejoinder and allowance of claims 5-40. *See M.P.E.P. 809 and M.P.E.P. 821.04.*

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 371-2157 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

KIE Y. AHN ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 371-2157

Date 11 January 2007

By



David R. Cochran

Reg. No. 46,632

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 11 day of January 2007.



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